684

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PART III.

Legislative Measures and Rules thereunder.

No. 2599— *J. F.* 146 *of* 02-03, *dated* 31*st May* 1904.

The following Proceedings of the Honorable the Resident in Mysore are hereby republished for general information.

PROCEEDINGS OF THE HONORABLE THE RESIDENT IN MYSORE.

No. 1250, *dated* 11*th March* 1904.

ORDER.

The Honorable the Resident in Mysore is pleased to issue the following Rules for the guidance of the Police on the portions of the Railways in Mysore under the jurisdiction of the British Government in the matter of arrest and prosecution of Railway employès, under Sections 101 and 131 of the Indian Railway Act (Act IX of 1890).

Arrest.

The exercise by the Railway Police of the power of arrest without warrant given them in Section 131 of the Indian Railways Act (IX of 1890) for offences under Section 101 of the same Act is discretionary. It should be exercised only in extreme cases, as for instance, when

(*a*) there has been loss of life or serious injury to persons or

(*b*) a person is caught in the commission of a grave offence

(*c*) the accused is likely to abscond or to continue to endanger the safety of the public.

When arrest is made without warrant, immediate intimation of such arrest must be given to the head of the Railway employee's department.

2. Under ordinary circumstances, no immediate arrest is necessary. A warrant should be applied for in the usual manner, the Police maintaining a watch over the movements of the accused, where this precaution is deemed necessary.

3. When arrest is effected by warrant, the warrant should, in the absence of any direction to the contrary in the warrant under Section 77 of the Code of Criminal Procedure, 1898, be executed by a Police officer of rank superior to that of a Head Constable, first grade, or by any Station-House officer within his own limits. The officer entrusted with the execution of the warrant will execute it judiciously and if the arrest is likely to cause risk or inconvenience to the public, make arrangements to prevent the escape of the accused and apply to the head of his department to have him relieved, arrest being deferred till he is so relieved.

Prosecution.

No prosecution for an offence under Section 101 of the Indian Railway Act (IX of 1890) shall be instituted by a Police officer without the sanction of the Superintendent of the Railway Police, which shall be communicated immediately it is accorded to the Agent or Manager of the Railway.

By Order,

No. 2587—*J. F.* 146 *of* 1902-03, *dated* 31*st May* 1904.

The Government of His Highness the Maharaja of Mysore are pleased to issue the following Rules for the guidance of the Police on the Bangalore-Nanjangud and the Birur-Shimoga sections of the Mysore State Railway in the matter of arrest and prosecution of Railway employès under Sections 83 and 113 of the Mysore Railways Regulation, IV of 1894.

Arrest.

The exercise by the Railway Police of the power of arrest without warrant given them in Section 113 of the Mysore Railways Regulation, IV of 1894, for offences under Section 83 of the same Regulation, is discretionary. It should be exercised only in extreme cases, as for instance, when

(*a*) there has been loss of life or serious injury to persons or

(*b*) a person is caught in the commission of a grave offence

(*c*) the accused is likely to abscond or to continue to endanger the safety of the public.

When arrest is made without warrant, immediate intimation of such arrest must be given to the head of the Railway employee's department.

2. Under ordinary circumstances, no immediate arrest is necessary. A warrant should be applied for in the usual manner, the Police maintaining a watch over the movements of the accused, where this precaution is deemed necessary.

3. When arrest is effected by warrant, the warrant should, in the absence of any direction to the contrary in the warrant under Section 77 of the Code of Criminal Procedure, Regulation II of 1904, be executed by a Police officer of rank not inferior to that of a Head Constable or by any Station-House officer within his own limits. The officer entrusted with the execution of the warrant will execute it judiciously and if the arrest is likely to cause risk or inconvenience to the public, make arrangements to prevent the escape of the accused and apply to the head of his department to have him relieved, arrest being deferred till he is so relieved.

Prosecution.

No prosecution for an offence under Section 83 of the Mysore Railways Regulation, 1894, shall be instituted by a Police officer without the sanction of the Superintendent of the Railway Police, which shall be communicated immediately it is accorded to the Agent or Manager of the Railway.

By Order,
K. S. CHENDRASEKHARA AIYER,
for *Secy. to Govt., Gen. & Rev. Depts.*